

### **REMARKS**

The present remarks are in response to the Final Office Action dated October 2, 2006, in which the Office Action rejected claims 1-12. The Applicant has amended the independent claims to recite that graphical elements are located on a transparent area in the front portion of a housing that is integrally associated with the housing.

Applicant respectfully requests reexamination and reconsideration under the provisions of 37 C.F.R. § 1.116(a). In particular, the Applicants respectfully respond to the Examiner's Detailed Action and request that all claims detailed in the application be placed in a state of allowance.

#### **A. Prior Art Rejection (35 USC Section 103(a))**

The Office Action has rejected claims 1-12 as being unpatentable over Richter, German Patent 1918055A (hereinafter referred to as "Richter") in view of Kim et al., U.S. Patent Publication No. 2002/0109614A1 (hereinafter referred to as "Kim"). The Applicant respectfully disagrees.

At the outset, Richter does not disclose a housing having a key opening. Although Richter discloses a top housing shell 3, no key openings are described in Richter. Secondly, Richter does not describe a transparent area integrally associated with a front portion of a mobile handset housing, as recited in the newly amended claims. In FIG. 2, Richter describes a plastic part 100 made of a transparent plastic which corresponds to the designs of the display field covers 11 or 11', as illustrated in Figs. 1b or 1d (see also, Richter page 8, 3<sup>rd</sup> paragraph). Thus, the display cover in

Richter is made to be “inserted from the inside into a top housing shell”, which by definition cannot be construed as being integrally associated with a front portion of the housing, as recited in amended claim 1.

The meaning of the word “integrally associated” indicates that the transparent area must belong to the front portion of the housing and is a required and necessary component to constitute the housing as a whole. According to the dictionary definition, the word “integral” means a “complete unit, a whole, essential or necessary for completeness, constituent, existing as an essential constituent or characteristic” (see The American Heritage Dictionary of the English Language, Fourth Edition, 2000).

Therefore, as illustrated in Fig. 2 of Richter and as described in the Richter's specification, Richter's display field cover 11 or the plastic part 100 are not integrally associated with a front portion of the housing shell. The top housing shell 3 and the transparent plastic part are separate and distinct elements of Richter's mobile communications terminal. Therefore, Richter does not describe a transparent area which is integrally associated with a front portion of a housing.

Additionally, in Applicants' newly amended claim 1, the mobile handset includes a graphical element positioned adjacent the key opening and on a transparent area of the housing, with the graphical element being indicative of a key function and the graphical element being located on a transparent area in the front portion of the housing, as the newly amended claims recite.

It is acknowledged that Richter does not describe any graphical elements located on a front portion of a housing being indicative of a key function. The Office Action introduces Kim as supplying this missing feature. Although Kim describes indicia

indicated on or adjacent handset keys, Kim fails to teach or suggest any graphical elements being located on a transparent area in the front portion of the housing. Kim shows the configuration of a multi-function keypad on commonly available mobile handsets which include not only the numerical numbers 0-9, but also alphabetical letters A-Z. Kim, whose purpose is to provide a means for toggling from one functional set of keys to another, nowhere shows or suggests that its mobile terminal 200 or display 206 or plurality of keys 210-240 are located on a transparent area in the front portion of the housing. In fact, no mention is ever made of any transparent sections because the goal in Kim is entirely different and inapposite to Richter's goal of providing advertising effects to mobile communications terminals by making a manufacturer's logo more visible.

Kim shows that each key 220 in its mobile terminal 200 has an indicia associated therewith and the indicia may be located on or adjacent the key 200 (see Kim, page 1, paragraph 16). However, that is insufficient to render the recited limitations of Applicant's claims obvious. Kim fails to show that its graphical elements are located on a transparent area in the front portion of the housing. Simply, put neither Richer nor Kim describes nor suggest this feature, much less provide one skilled in the art with the motivation to do so because of each of these references have divergent goals. Kim relates handset key design for fast and efficient data entry. Richter's main preoccupation is the display of manufacturer's logo for advertising purposes.

Therefore, as newly amended, claim 1 is not rendered obvious by the cited references and its features are novel and patentably distinct over the cited art.

With reference to claims 2-9, because Richter fails to teach a transparent area integrally associated with a front portion of a mobile handset housing as well as graphical elements being located on a transparent area in the front portion of the housing as recited in Applicants' newly claims, the dependent features of these claims are also not taught nor suggested by Richter and Kim.

With reference to claim 10, the Office Action states that Richter discloses a layer of opaque coating on the graphics surface area of the housing by identifying some passages in Richter as describing this feature. However, this passage only mentions that the display field cover is made opaque. In fact, Richter discloses that the plastic part 100 including the logo carrier section 103 is inserted from the inside into a top housing shell. This effectively means that the display field section cannot be part of the top housing shell (see Richter, page 8, paragraph 3). Since Richter's display field cover must be separated from the housing and the display field cover is opaque, it cannot logically follow that Richter teaches an opaque coating on the graphics surface area of the housing because Richter's cover is not part of the housing. In other words, Richter only teaches that the display region can be made opaque with a dark background, but it certainly does not teach or suggest that the graphics area of the housing have at least one layer of an opaque coating.

Richter is further cited as disclosing all the elements of the mobile handset according to claims 11 and 12 with the missing features of the graphical elements described in Kim. Applicants respectfully disagree.

Richter, either alone or in combination with any other reference, does not describe or suggest all the limitations of amended claim 11. Claim 11 requires a

“translucent housing” with an opaque coating with graphical elements providing a negative image within the coating. Richter does not disclose a translucent housing nor any graphical elements located on the translucent housing outer surface. Rather, Richter discloses a separate display field cover having a display field cover section 101 and a logo carrier section 103, which can be made of transparent plastic, and may be inserted into a housing shell, which is not part of the top housing shell. Therefore, Richter does not describe nor suggests the features of claim 11.

Additionally, claim 11 recites that the mobile handset has at least one layer of an opaque coating upon at least the outer surface of the housing. As described above with reference to the explanation about claim 10, Richter only describes that display field cover may be opaque. Again, since the plastic part 100 including the display field cover section 101 is inserted from the inside into the top housing shell, the display field cover cannot form part of the top housing shell. Therefore, for the same reasons, Richter does not teach nor suggest that the housing has an opaque coating.

Furthermore, claim 11 also recites that the mobile handset has graphical elements located on the translucent housing, with the graphical elements positioned adjacent key openings on the translucent housing and being indicative of a key function, and including a negative image within the coating to expose the translucent housing outer surface through the graphical elements. As described previously, it is acknowledged that Richter does not disclose the graphical elements located on any translucent housing. Kim is cited as describing graphical elements located on at least the translucent housing outer surface. However, as advanced above, Kim neither proposes nor describes any such solutions. Kim’s teaching is solely limited to the

various multi-key designs and configurations, which does not mention the housing at all, much less describe it as being translucent with graphical elements position adjacent key openings on a translucent housing. Consequently, both Richter and Kim fail to teach or suggest all the limitations of the newly amended claim 11.

With reference to the newly amended claim 12, claim 12 recites, *inter alia*, “at least the front portion of the housing formed from light transmitting material; an opaque layer covering selected portions of the light transmitting housing front portion defining the edges of graphical element, wherein the graphical elements are located on the transparent area which is integrally formed in a front portion of the light transmitting housing” (emphasis supplied).

Again, Richter does not describe or suggest a front housing formed from light transmitting material much less an opaque layer covering selected portions of the housing front portion defining the edges of graphical elements.

First, Richter does not describe that the handset housing is formed from any light emitting material. In fact, Richter only shows a plastic part 100 made of transparent plastic, inserted from the inside into a top housing shell where the plastic part has a display field cover section 101 protruding out of top 100a and a logo carrier section 103 (see Richter, page 8). This passage nowhere describes how the front portion of the housing is formed from a light emitting material.

As previously discussed, Richter does not describe that graphical elements are located on the transparent area which is integrally formed in a front portion of the light transmitting housing, as recited in Applicants' newly amended claim 12.

Additionally, in Richter, the logo or the display is illuminated by a lighting device (one or more LEDs), so the visible light may be emitted through areas of the logo carrier or display field cover section, which means the visible light is not emitted from a housing (Richter, page 4, paragraphs 2, 3). However, in claim 12, the visible light is emitted through areas of the housing front portions. And the plastic part 100 has a display field cover section 101 and the logo carrier section is inserted from the inside into a top housing shell, which means that the display field cover section and the logo carrier section are part of the housing. Therefore, neither Richter nor Kim teach an electroluminescent panel arranged within the housing so that visible light is emitted through transparent areas of the housing front portions not covered by the opaque layer, as recited in claim 12.

Consequently, neither references cited describe nor suggest the features of claim 12. In view of the foregoing, the limitations of independent claims 1, 11 and 12 are not taught or suggested by Richter, either alone or in combination with any other reference such as Kim.

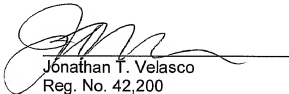
Since independent claims 1, 11, and 12 overcome the 35 USC §103 rejections, Applicants respectfully request that each of the claims 2-10 also overcome the obviousness rejection by way of their dependencies.

**B. Conclusion**

In view of the foregoing remarks, all of the claims are now in condition for allowance. Withdrawal of the finality of the rejection of the present Office Action and allowance of claims 1-12 are respectfully requested. No fee is believe due in connection with the present submission. However, the Director is authorized to charge any additional fee(s) or any underpayment of fee(s) or credit any overpayment(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully Submitted,

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